IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4500 OF 2004
IN
CRIMINAL APPEAL NO.1121 OF 2004

Jalinder @ Kartarsing Jaysing
Sathe-Patil .. Applicant.
V/s.
The State of Maharashtra .. Respondent.

Mr. S.A. Ingawale for the applicant.
Smt. V.R. Bhosale, A.P.P. for the respondent.

CORAM : S.B. MHASE &
ANOOP V.MOHTA, JJ.
DATE : 22ND DECEMBER, 2004.

P.C.

. Heard Mr. S.A. Ingawale for the applicant and Smt. V.R. Bhosale, A.P.P. for the respondent. The accused is convicted for the offence under Section 302 of Indian Penal Code by Ad hoc Additional Sessions Judge, Kolhapur, in Sessions Case No. 75 of 2003 on 16/8/2004.

2. The incident has occurred on 31st December, 2002 in the function which was arranged by the Lift Irrigation Sanstha and in that function, certain altercations have taken place and this accused has inflicted injuries by knife to the deceased. However,

the Doctor has stated that the injuries were not sufficient to cause death; the injured was recoverable. However, the patient was removed from the hospital against medical advise and taken to the private hospital. In that hospital some operation was carried out and ultimately, patient died after 4 days. Initially the offence was registered under section 324 of Indian Penal Code and after the death, it was converted into under Section 302 of Indian Penal Code. The applicant was on bail during the trial. He has not mis utilised the bail. The above facts which shows that the incident has taken place on the spur of moment and there was no intention and motive. We are persuaded to suspend the sentence and to grant bail. Therefore, the following order.

. The sentence passed by the 2nd Ad hoc Additional Sessions Judge, Kolhapur in Sessions Case No. 75/2003, dated 16/8/2004 is hereby suspended till the hearing of the appeal. The applicant/accused be released on bail on furnishing P.R. bond of Rs. 10,000/- with like surety. He shall attend Karveer Police Station once in the month, preferably on 1st day of the month between 10 to 11 a.m.

[ANOOP V. MOHTA, J.] **[S.B.MHASE, J.]**